

10/669 778

cofe

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below.

By:

Barbara Bryant  
Barbara Bryant

Date:

July 26, 2005

PATENT  
Attorney Docket No. P-088-US3  
Customer No. 27038

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Number: U.S. 6,887,976 B2

Confirmation No. 4362

Issued: May 3, 2005

Name of Patentee: Michael R. LEADBETTER et al.

Certificate  
AUG 02 2005  
of Correction

Title: GLYCOPEPTIDE PHOSPHONATE  
DERIVATIVES

**REQUEST FOR A CERTIFICATE OF CORRECTION  
FOR A PATENT DUE TO PTO MISTAKE (37 C.F.R. §1.322(a))**

ATTN: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Assignee hereby requests that a certificate of correction be issued for the above-identified issued U.S. patent. The requested corrections are shown on the attached Form PTO/SB/44 (2 pages), which is being submitted in duplicate in a form suitable for printing.

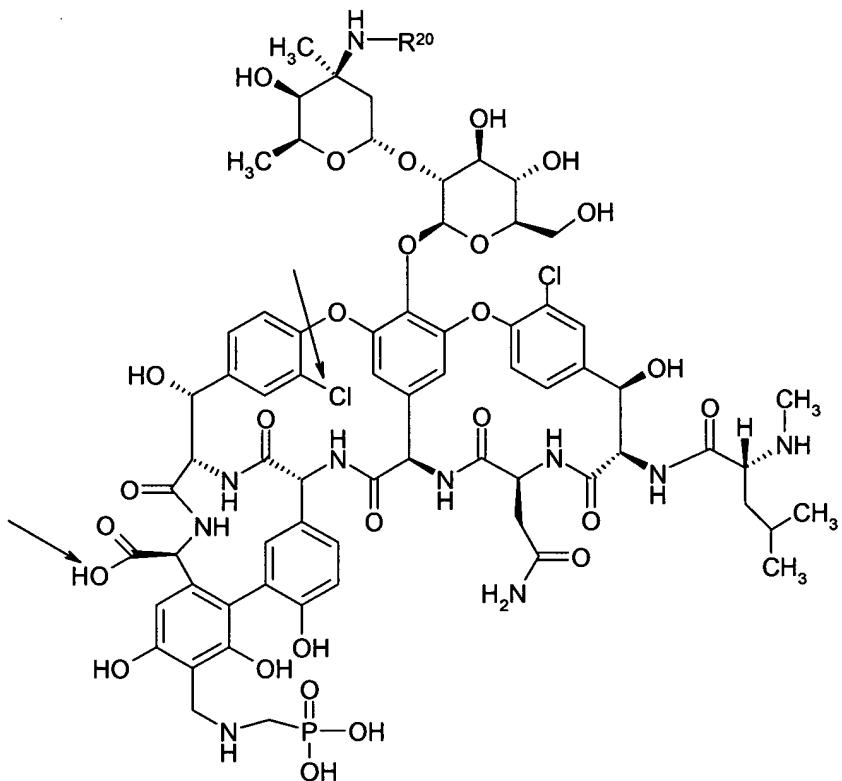
I. CORRECTIONS REQUESTED FOR PTO MISTAKE PURSUANT TO 37 C.F.R. § 1.322(A)

The following mistakes in the issued U.S. patent are due to PTO error:

- (1) At column 47, lines 40-61 in Claim 1, the chemical structure is shown incorrectly. Specifically, the chemical structure is (1) missing a chloro group, and (2) incorrectly shows "R<sup>3</sup>"

AUG 03 2005

instead of “-OH”. For the convenience of the PTO, the following structure is shown correctly with arrows indicating the exact location of the mistakes:



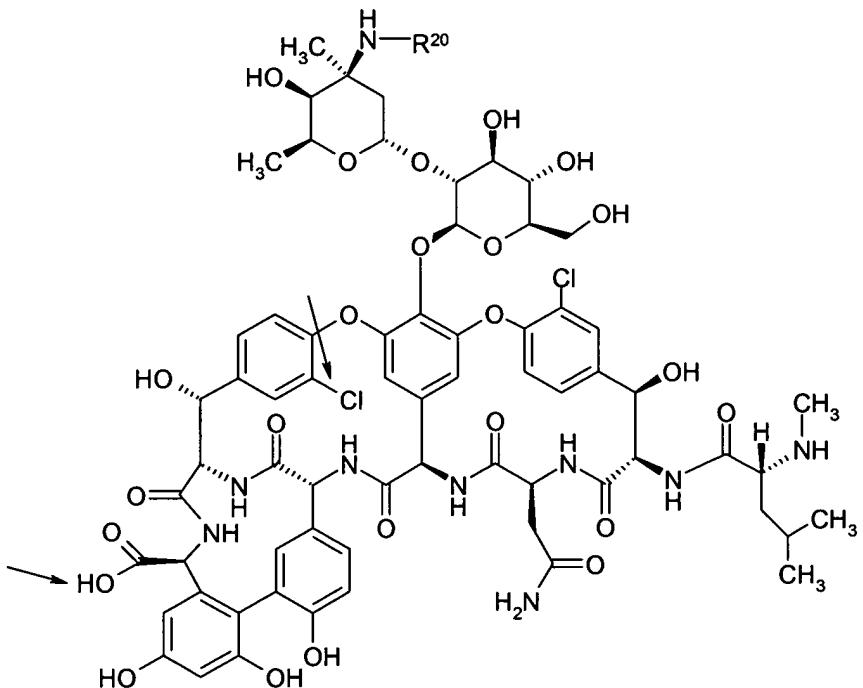
Assignee respectfully requests that the above chemical structure (without the arrows) be inserted in place of chemical structure printed in the patent.

This chemical structure was submitted correctly by Applicants, for example, on page 3 of the "Reply and Amendment Pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

(2) At Column 48, line 12, in Claim 1, please replace "alkynylenc;" with -- alkynylene; --.

This error is shown correctly by Applicants, for example, on page 4, line 6, of the "Reply and Amendment Pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

(3) At Column 48, lines 38-57, in Claim 1, the chemical structure is shown incorrectly. Specifically, the chemical structure is (1) missing a chloro group, and (2) incorrectly shows "R<sup>3</sup>" instead of "-OH". For the convenience of the PTO, the following structure is shown correctly with arrows indicating the exact location of the mistakes:



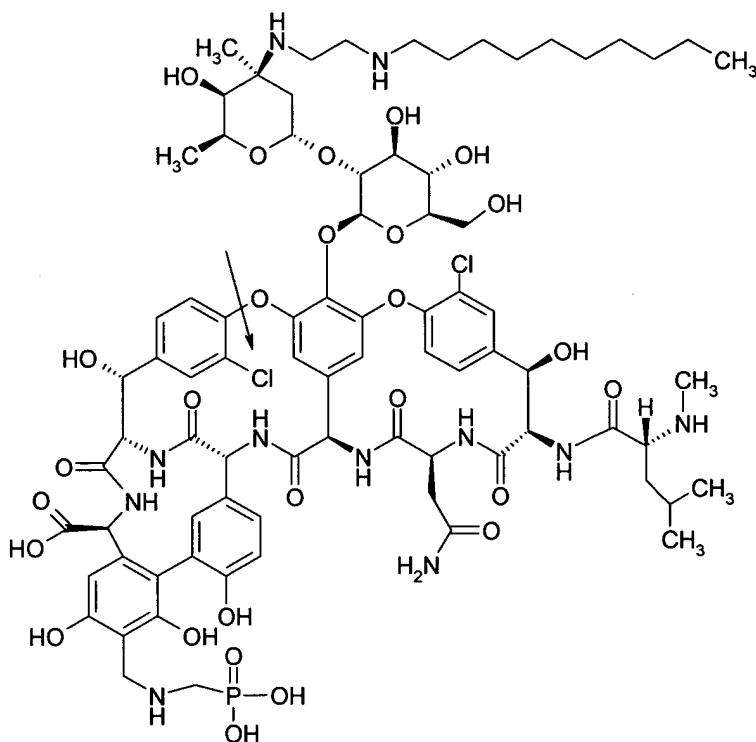
Assignee respectfully requests that the above chemical structure (without the arrows) be inserted in place of chemical structure printed in the patent.

This chemical structure was submitted correctly by Applicants, for example, on page 5 of the "Reply and Amendment Pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

(4) At Column 49, line 51, in Claim 9, please replace "4-(4chlorobenzyloxy)benzyl." with -- 4-(4-chlorobenzyloxy)benzyl. --.

This error is shown correctly by Applicants, for example, on page 7, line 10, of the "Reply and Amendment pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

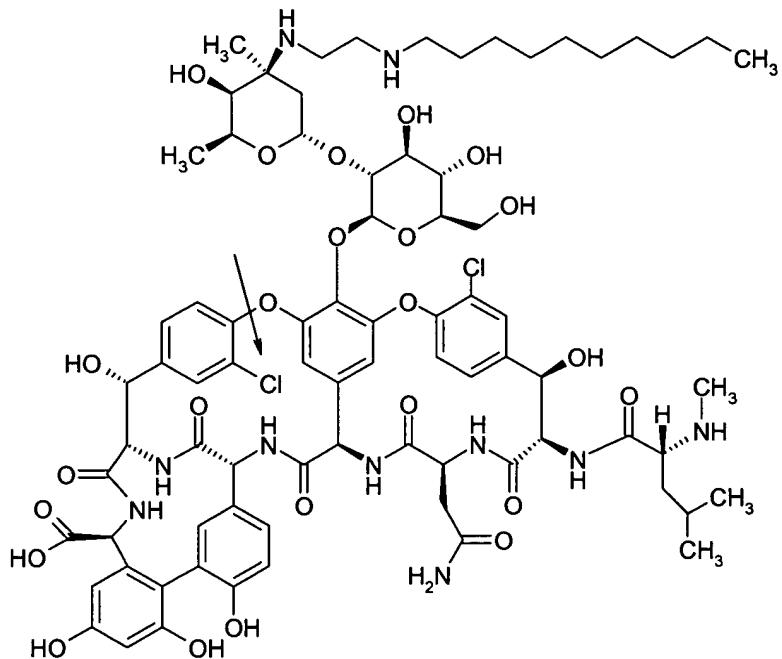
(5) At Column 50, lines 01-25, in Claim 12, the chemical structure is shown incorrectly. Specifically, the chemical structure is missing a chloro group. For the convenience of the PTO, the following structure is shown correctly with an arrow indicating the exact location of the mistake:



Assignee respectfully requests that the above chemical structure (without the arrow) be inserted in place of chemical structure printed in the patent.

This chemical structure was submitted correctly by Applicants, for example, on page 8 of the "Reply and Amendment Pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

(6) At Column 50, lines 30-50, in Claim 12, the chemical structure is shown incorrectly. Specifically, the chemical structure is missing a chloro group. For the convenience of the PTO, the following structure is shown correctly with an arrow indicating the exact location of the mistake:



Assignee respectfully requests that the above chemical structure (without the arrow) be inserted in place of chemical structure printed in the patent.

This chemical structure was submitted correctly by Applicants, for example, on page 9 of the "Reply and Amendment Pursuant to 37 C.F.R. § 1.111" filed on September 14, 2004.

The above-indicated mistakes are due to PTO error. Therefore, Assignee respectfully requests that a timely Certificate of Correction be issued to correct these mistakes.

## II. FEE PAYMENT

Since this paper is being submitted to correct a PTO error, no fee is believed to be required. However, if a fee is determined to be necessary, the Commissioner is hereby authorized to charge any fees required by this paper and to credit any overpayments to Deposit Account No. 50-0344.

III. MAILING ADDRESS FOR CERTIFICATE

A certificate of correction issued for this patent should be sent to the following address:

Jeffrey A. Hagenah, Esq.  
Theravance, Inc.  
901 Gateway Boulevard  
South San Francisco, CA 94080

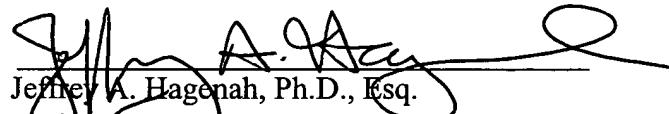
IV. STATEMENT UNDER 37 C.F.R. § 3.73(B)

Theravance, Inc., a corporation, states that it is the assignee of the entire right, title and interest in the patent identified above by virtue of an Assignment from the inventors to Advanced Medicine, Inc. of U.S. Patent Application No. 09/847,042, recorded on August 6, 2001, (from which priority is claimed for the instant application), at Reel 012049 and Frame 0333; and by virtue of a merger conveying the entire right, title and interest from Advanced Medicine, Inc. to Theravance, Inc., recorded on June 14, 2002, at Reel 013003 and Frame 0075.

I, Jeffrey A. Hagenah, Assistant Secretary of Theravance, Inc., state that I am empowered to sign this statement on behalf of the assignee.

Respectfully submitted,  
THERAVANCE, INC.

Date: July 26, 2005



Jeffrey A. Hagenah, Ph.D., Esq.  
Assistant Secretary of Theravance, Inc.  
Reg. No. 35,175  
Direct Tel: (650) 808-6406

Correspondence Address:

THERAVANCE, INC.  
Attn: Legal Dept.  
901 Gateway Boulevard  
South San Francisco, CA 94080  
Tel: (650) 808-6000; Fax: (650) 808-6078

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

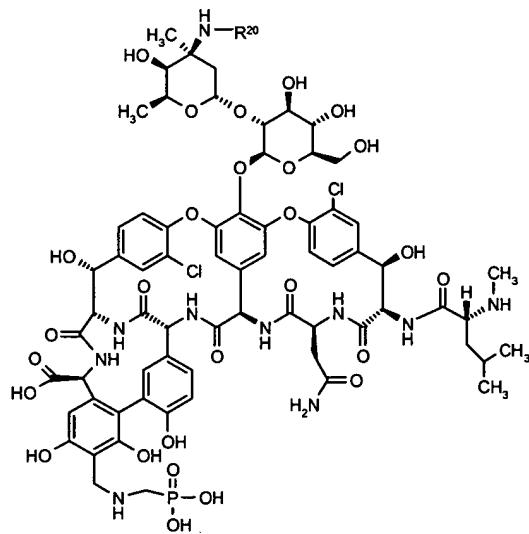
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 47

at lines 40-61, in Claim 1, replace the structure after "a compound of the formula:" with the following structure:

Column 48

at line 12, in Claim 1, replace "alkynylenc;" with --alkynylene --.

MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

0  
 p. 1 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

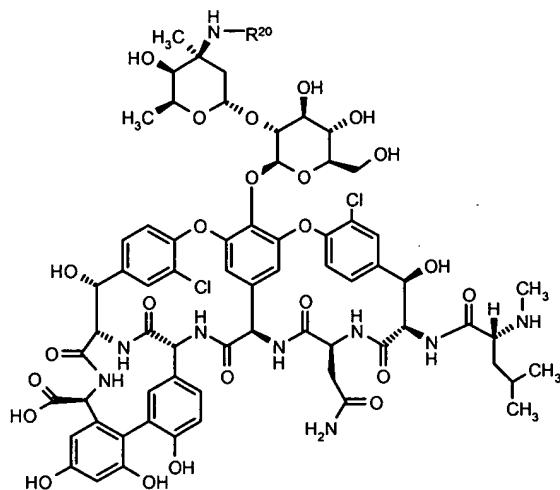
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Column 48**

at lines 38-57, in Claim 1, replace the structure after "a compound of the formula:" with the following structure:

**Column 49**

line 51, in Claim 9, please replace "4-(4chlorobenzyl)benzyl." with  
 -- 4-(4-chlorobenzyl)benzyl. --.

MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 2 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

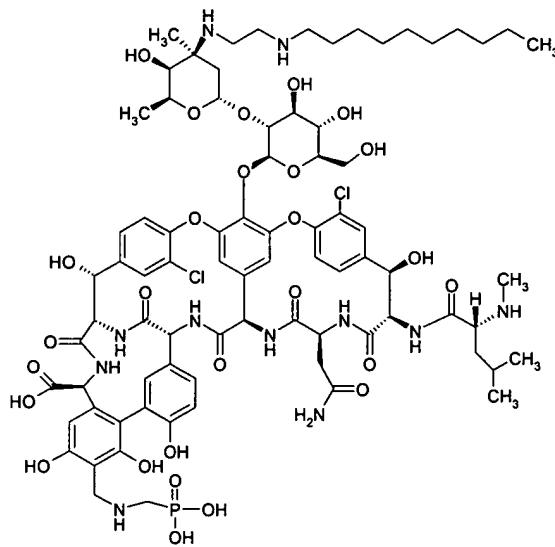
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 50

at lines 01-25, in Claim 12, replace the structure after "a compound of the formula:" with the following structure:



MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 3 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

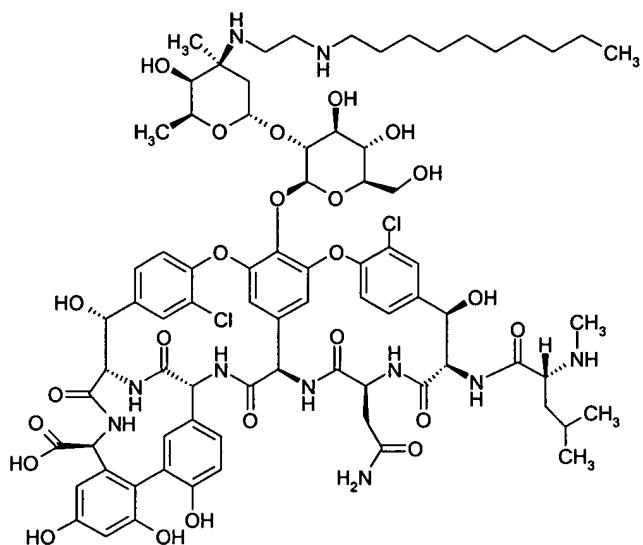
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Column 50**

at lines 30-50, in Claim 12, replace the structure after "a compound of the formula:" with the following structure:



MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 4 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

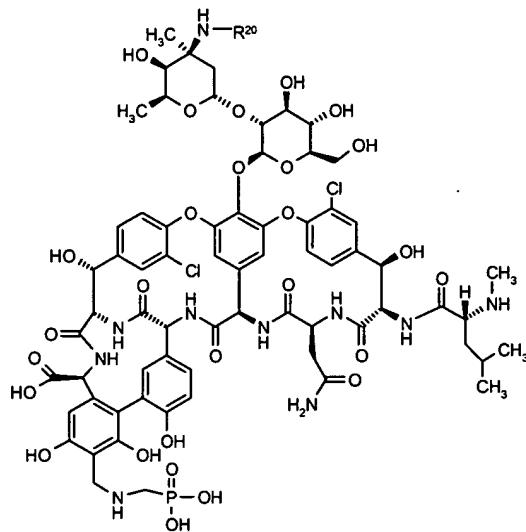
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Column 47**

at lines 40-61, in Claim 1, replace the structure after "a compound of the formula:" with the following structure:

**Column 48**

at line 12, in Claim 1, replace "alkynylenc;" with --alkynylene --.

MAILING ADDRESS OF SENDER:

Jeffrey A. Hagenah, Esq.  
 Theravance, Inc.  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

0  
p. 1 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

AUG 03 2009

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

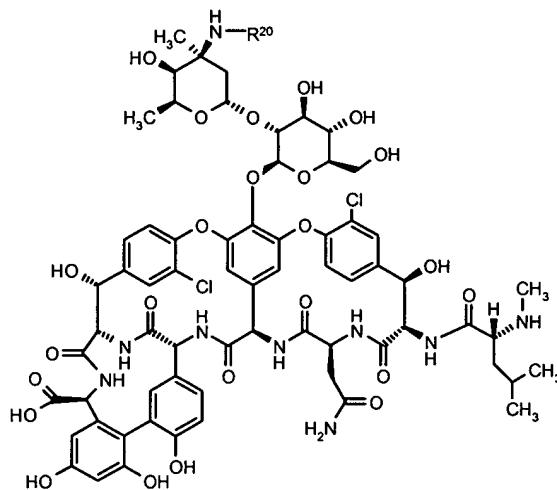
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

Column 48

at lines 38-57, in Claim 1, replace the structure after "a compound of the formula:" with the following structure:



Column 49

line 51, in Claim 9, please replace "4-(4chlorobenzyl)benzyl." with  
 -- 4-(4-chlorobenzyl)benzyl. --

MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 2 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO : 6,887,976 B2

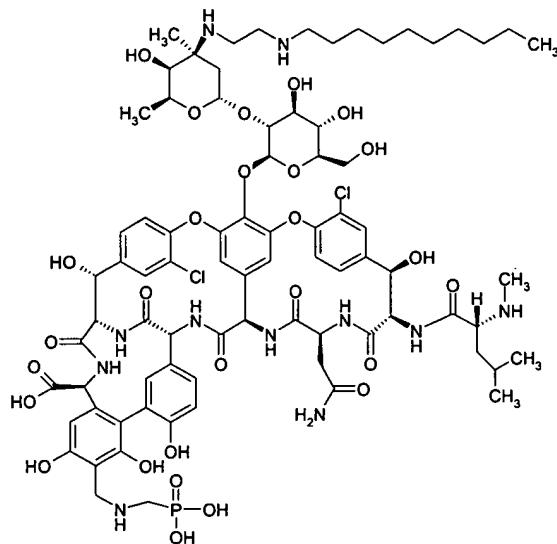
DATED : May 3, 2005

INVENTOR(S) : LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Column 50**

at lines 01-25, in Claim 12, replace the structure after "a compound of the formula:" with the following structure:



MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 3 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

AUG 03 2005

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**CERTIFICATE OF CORRECTION**

PATENT NO.: 6,887,976 B2

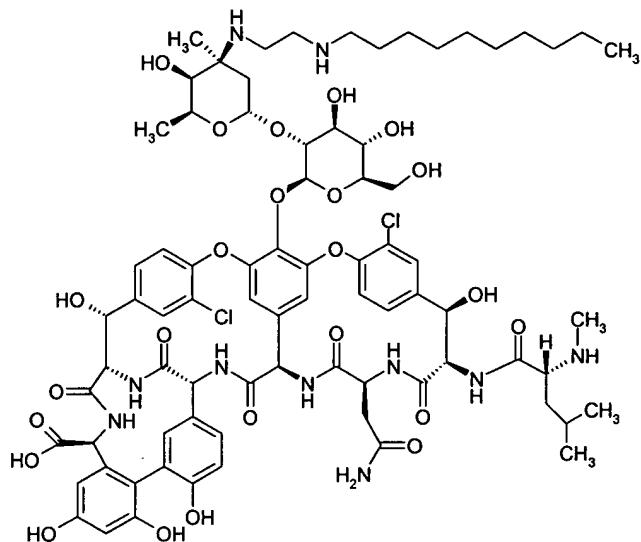
DATED: May 3, 2005

INVENTOR(S): LEADBETTER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent are hereby corrected as shown below:

**Column 50**

at lines 30-50, in Claim 12, replace the structure after "a compound of the formula:" with the following structure:



MAILING ADDRESS OF SENDER: Jeffrey A. Hagenah, Esq.  
 Theravance, Inc  
 901 Gateway Boulevard  
 South San Francisco, CA 94080

PATENT NO. 6,887,976 B2

No. of additional copies

→ 0  
 p. 4 of 4

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

AUG 03 2005